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PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12238490/MKR	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000695	International Filing Date (day/month/year) 4 June 2003	Priority Date (day/month/year) 4 June 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ F21K 2/00, F21V 1/00,3/00		
Applicant LUNA GLOW PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of 4 sheets, including this cover sheet.	
<input type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of sheet(s).	
3. This report contains indications relating to the following items:	
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 30 December 2003	Date of completion of the report 7 September 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer S. T. PRING Telephone No. (02) 6283 2210

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000695

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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PCT/AU2003/000695

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 17,21,27-30,32,34-38	YES
	Claims 1-16,18-20,22-26,31,33	NO
Inventive step (IS)	Claims	YES
	Claims 1-38	NO
Industrial applicability (IA)	Claims 1-38	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Novelty and Inventive Step

EP 856 871 discloses phosphor coatings layered on the inner surface of a fluorescent lamp as well as many features of the dependent claims. Therefore it discloses all the features of claims 1-3,5,8,9,12,14 and 16, which therefor cannot be considered to be novel or to have an inventive step.

GB 2 301 372 discloses an after glow lamp with a fluorescent layer comprising a long decay phosphor as well as many other features in the dependent claims. Therefore claims 1,2,5,6,8-10, 12,14-16, 22-26 cannot be considered to be novel or to have an inventive step.

EP 1 026 440 discloses a tubular fluorescent lamp with an exterior coating with a pigment of phosphor as well as many of the features defined in the dependent claims. Therefore claims 1,2,8,9,12,14 and 16 cannot be considered to be novel or to have an inventive step.

US 4 245 282 discloses a fluorescent light source with a covering net impregnated with phosphorescent material as well as many of the features defined in the dependent claims. Therefore claims 1,2,5-8,11,15,16 and 18-20 cannot be considered to be novel or to have an inventive step.

GB 1 491 681 discloses a translucent tube with a light at each end and either comprising or having a coating of luminescent material as well as many of the features defined in the dependent claims. Therefore claims 1,2,5,6,13-16 and 18 cannot be considered to be novel or to have an inventive step.

FR 2241743 discloses a control element with a light inside, the control element having a phosphorescent sheet. Therefore claims 1,2,5,13-15 and 18 cannot be said to be novel or to have an inventive step.

WO 02/075205 discloses a light covering with a fluorescent component which is charged from the light element. Therefore claims 1,2,4-9 and 11-16 cannot be said to be novel or to have an inventive step.

WO 01/79753 discloses a decorative cover for a candle made of plastic with a phosphorescent pigment. Therefore claims 1,2,5-8,14 and 18 cannot be said to be novel or to have an inventive step.

WO 00/55278 discloses a coating for a lamp casing with a luminescent pigment. Therefore claims 1,2,5,8,13-16,28 and 31 cannot be said to be novel or to have an inventive step.

US 5 833 349 discloses a lamp shade with its surface coated with a phosphorescent pigment and decorative images. Therefore claims 1,2,5-8,15,16,18,28,30,31 and 33 cannot be said to be novel or to have an inventive step.

EP 807 958 discloses a low pressure mercury vapour discharge lamp with an internal coating of rare earth phosphor layers. Therefore claims 1-3,5,8-10,12 and 14 cannot be said to be novel or to have an inventive step.

Furthermore, the features added by appended claims 17,21,27-30,32,34-38 relate only to conventional manufacturing techniques or are features which are typical in devices of this type and therefore cannot be considered as contributing to patentable ingenuity.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 6-10 appear to be directed a different invention. They define a fluorescent light whereas the remaining claims are directed to a phosphorescent light.

Claims 31 and 34 are process claims dependent on to claim 25 which is not an apparatus claim.